

MATTER UNDER RULE 312

REGARDING TERMS OF REFERENCE OF JUSTICE DESAI
COMMISSION

SRI A. LAKSHMISAGAR (CHIKPET).—Mr. Speaker, Sir, this matter arises out of the terms of reference of Justice Desai Commission which is enquiring into the hooch tragedy which took place in Bangalore and Mysore cities and took as many as 336 persons, lives. So the matter is simple. The terms of reference of the Commission will indicate the manner in which it is sought to be done. I will read the terms of reference because it is necessary to convince :

“(1) To consider the sufficiency or other wise of the enforcement measures which had been taken by the Police, Excise and Drugs Control Department;

(2) To make a comprehensive examination of the Karnataka Excise Act and rules, the prescribed procedure, executive instructions with a view to detecting any existing lacunae;

(3) To suggest measures for effectively curbing menace of illicit production, consumption, distribution of liquor;

(4) To suggest measures for strengthening the provision, store, accounting of rectified spirit, denatured spirit, mythylated spirit, mythyl alcohol, chloral hydrate and other substances in admixture with such alcohol or injurious to human life and health;

(5) To suggest measures for preventing illicit sale and use of poisonous substances like mytholal, mythylated spirit, mythyl alcohol chloral hydrate etc;

(6) To recommend measures for improving in the enforcement machinery for checking illicit distillation and bootlegging;

(7) To recommend measures for giving wide publicity to the harmful effects of alcohol, especially un-approved alcohol on the human system.

(8) Any other matter relevant or arising out of these terms of reference.”

The refers to the pith and substance of the terms of reference that they pertain to suggestions for improvement of the enforcement machinery, rules thereof and other administrative measures to be taken by the Government in the context of the tragedy that took place in Bangalore City. My submission to you is this is not enough. We were contending and there was a clamour at the time when heavy tool of life took place that Government must come forward to

look into the question of hooch tragedy the persons responsible for the tragedy and the circumstances that existed which led to the tragedy, the causes for the tragedy and the persons responsible for it. If these terms are not included, the very purpose of the Commission of Enquiry will be defeated. Sir there is a big net work which is admittedly operating in Bangalore City and other cities. Therefore, a serious effort must be made on the part of the Government to destroy this and also to book the offenders responsible for the sale and distribution of illicit liquor. If this is not done, the very purpose of the enquiry commission will be defeated. It is ment only to suggest some administrative measures which could have been taken without even referring this matter to an enquiry commission.

It could have been done at the administrative level. There was no need for you to refer this matter to an Enquiry Commission under the commission of Enquiry Act of 1952. Therefore my submission is that the very purpose is self-defeating. It does not serve any purpose. I do not want to make any allegation at this stage. I only very strongly urge upon the Government to see that justice comes out of this enquiry i. e., causes for the tragedy and also the persons behind this tragedy - these terms must be specifically referred to. The one argument that has been advanced is the last term of reference "Any other matter relevant or arising out of this terms of reference." They want to read into this that the commission *man suo moto* go into the question of causes for the tragedy and the persons responsible for it. Sir these arguments have already been advanced at length and on several occasions before the Government and the commission does not seem to find favour with these arguments. The Commission shall not go beyond the terms of reference specified. There are a number of Supreme Court decisions. I do not want to quote them here. Therefore, no purpose will be served. The Hon. Chief Minister was very eloquent yesterday that the Opposition must make constructive criticism and that he was prepared to answer, if and when it was made. Therefore, this is one of the most important constructive criticisms I am making. I have had occasions to appear in more than one enquiry commission. We faced these matters. We cannot ask the commission to enlarge the terms of reference if there is no specific terms of reference. The last item No. 7. refers only to incidental matters arising out of terms of reference already indicated. The Commission cannot go beyond the terms of reference already made. Therefore, my submission to the Government is that the Government must readily accept my suggestion and enlarge the terms of reference so as to include these viz., the persons responsible for the liquor tragedy in Bangalore and the causes for

occurrence of this tragedy. It may be properly worded and these two terms may be added. It would certainly serve the interest for which the Commission was set up.

SRI S. R. BOMMALI.—I will not say anything more. When this matter was discussed in the House the Chief Minister has positively assured the House that the causes and the persons responsible would be investigated by the Commission and they had also promised to consult the opposition before the terms of reference was issued. But somehow we were not consulted and the Commission is now sitting. Perhaps, lakhs of rupees are being spent with the good intention to find out the root causes for the tragedy, the persons responsible and the remedial measures also. It is a matter of expanding only the terms of reference so that the money that has been spent by the Government and also the evidences collected would serve some purpose. The public have also taken interest and they have participated in it. I think there is no difficulty if the terms of reference are expanded.

ಶ್ರೀ ಕೆ. ಹೆಚ್. ಶ್ರೀನಿವಾಸ್ (ಶಿವಮೊಗ್ಗ).—ಮಾನ್ಯ ಅಧ್ಯಕ್ಷರೇ, ಮಾನ್ಯ ಸಾಗರ್ ಅವರು ಮಾನ್ಯ ಬೊಮ್ಮಾಯಿ ಅವರು ಒಂದು ವಿಚಾರವನ್ನು ಪ್ರಸ್ತಾಪ ಮಾಡಿದರು. ಈ ದುರಂತಕ್ಕೆ ಕಾರಣ ಕರ್ತರು ಯಾರು ಅವರನ್ನು ಕಂಡುಹಿಡಿಯುವುದಕ್ಕೆ ಕಮಿಷನ್‌ಗೆ ಅಧಿಕಾರ ಇರಬೇಕು ಟರ್ನ್ಸ್ ಆಫ್ ರೆಫರನ್ಸ್ ಫೇಮ್ ಮಾಡಬೇಕೆಂದು ಹೇಳಿದ್ದಾರೆ. ಅದರ ಬಗ್ಗೆ ಭಿನ್ನಾಭಿಪ್ರಾಯವಿಲ್ಲ, ಅದು ಸಮಂಜಸವಾದುದಾಗಿದೆ, ಅದಕ್ಕೆ ಅಭ್ಯಂತರವಿಲ್ಲ. ಈ ಸಂದರ್ಭದಲ್ಲಿ ಇನ್ನೊಂದು ತುಂಬಾ ಮೂಲ ಭೂತವಾದಂಥ ವಿಷಯದ ಕಡೆಗೆ ಮುಖ್ಯಮಂತ್ರಿಗಳ ಗಮನ ಸೆಳೆಯುತ್ತೇನೆ. ನಾನು ವಿಚಾರವನ್ನು ಸಂಪೂರ್ಣವಾಗಿ ಹೇಳುವುದಕ್ಕೆ ಸಂದರ್ಭ ಇದು ಅಲ್ಲ, ಇನ್ನೊಂದು ಸಂದರ್ಭವನ್ನು ಉಪಯೋಗಿಸಿ ಕೊಂಡು ಹೇಳುತ್ತೇನೆ. ಒಂದು ವಿಚಾರ ನಾವು ಏನು ಯೋಚನೆ ಮಾಡಬೇಕಾಗಿದೆ ಎಂದರೆ ಈ ಕಳ್ಳ ಭಟ್ಟಿ ಏತಕ್ಕೆ ತಯಾರು ಆಗುತ್ತಿದೆ, ಏತಕ್ಕೆ ದುರಂತಗಳಾಗುತ್ತಿವೆ. ಇವೊತ್ತು ಸರ್ಕಾರ ಏನು ಅಧಿಕೃತವಾದಂಥ ಅರೇಕ್ ಮತ್ತು ಸೇಂದಿ ಕಳುಹಿಸುತ್ತಾರೆ, ಅಪೂರ್ವ ಹಾಲೋಹಾಲ್ ಅಂಥ ಶಬ್ದ ಏನು ಇದೆ, ಅದು ಎಲ್ಲರಿಗೂ ಗೊತ್ತಿದೆ, ನಿಮ್ಮ ಇಲಾಖೆಯವರಿಗೂ ಗೊತ್ತಿದೆ. ಅಪೂರ್ವ ಹಾಲೋಹಾಲ್ ಎಷ್ಟರಮಟ್ಟಿಗೆ ಪರಿಶುದ್ಧವಾಗಿರುತ್ತದೆ. ಗೌರ್ಮೆಂಟಿನವರು ಅರೇಕ್ ಏನು ಮಾರಾಟ ಮಾಡುತ್ತಾರೆ ಅದರಲ್ಲಿ ಕ್ಲೋರೆಲ್ ಹೈಡ್ರೇಟ್ ಮಿಕ್ಸ್ ಮಾಡುತ್ತಾರೆ. ಜನರು ಕೂಡ ಅದನ್ನೇ ಬಯಸುತ್ತಾರೆ. ಅರೇಕ್ ಡೈಲೂಟ್ ಮಾಡಿದ್ದು ಒಂದು ರೂಪಾಯಿ ಕಾಸ್ಟ್ ಆಫ್ ಪ್ರೊಡಕ್ಷನ್ ಆಗುವುದಿಲ್ಲ. ಅದು ಮನುಷ್ಯನಿಗೆ ತಲುಪಬೇಕಾದರೆ ೨೦-೨೫ ರೂಪಾಯಿ ಕೊಟ್ಟು ಕೊಂಡುಕೊಳ್ಳಬೇಕಾದ ಪರಿಸ್ಥಿತಿ ಇದೆ. ಇಷ್ಟು ಕಾಸ್ಟ್ ಕೊಟ್ಟು ಕೊಂಡುಕೊಳ್ಳುತ್ತಕ್ಕೆ ಗವರ್ನಮೆಂಟ್ ಅರೇಕ್ ಅಂಡ್ ಸೇಂದಿ ಏನಿದೆ ಅದು ಕ್ವಾಲಿಟಿಯಲ್ಲೂ ಕೂಡ ಇದೇನು ಉತ್ತಮವಾದುದಲ್ಲ. ನಿಜವಾಗಿಯೂ ಹೇಳಬೇಕಾದರೆ ಕಳ್ಳಭಟ್ಟಿ ಎಲ್ಲಾ ಒಂದು ಟಕ್ಕೆ ಕರ್ ಡಿಸ್ಟ್ರಿಬ್ಯೂಷನ್‌ನಿಂದ ಉಳಿದಿದೆ. ಒಂದು ದೃಷ್ಟಿಯಿಂದ ನಾನು ಹೇಳಬೇಕು ಅಂದರೆ ಅಧಿಕೃತ ಕಳ್ಳಭಟ್ಟಿ, ಅನಧಿಕೃತ ಕಳ್ಳಭಟ್ಟಿ ಅಂತ ಹೇಳಿದರೆ ಹೆಚ್ಚು ಸಮಂಜಸವಾಗುತ್ತದೆ. ಅಧಿಕೃತ ಕಳ್ಳಭಟ್ಟಿ, ಸೇಂದಿ, ಇಷ್ಟೇ ಡೈಲೂಟ್ ಮಾಡಿ ಇನ್‌ಜುರಿಸ್ ಪದಾರ್ಥಗಳನ್ನು ಸೇರಿಸತಕ್ಕದ್ದು ನಡೆಯುತ್ತಿದೆ. ಏತಕ್ಕೆ ಹಿಡಿಯಲಿಕ್ಕೆ ಆಗುತ್ತಿಲ್ಲ. ಇದು ನಾವು ನಡೆಸಿಕೊಂಡುಬಂದಂಥ ಎಕ್ಸೈಜ್ ಪ್ಯಾಟರ್ನ್. The State has now developed a vested interest in excise income, ಇನ್‌ಕಮ್ ಬರಬೇಕು ಎಂದರೆ ಎಕ್ಸೈಜ್ ಕಂಟ್ರಾಕ್ಟ್ ಸಿಸ್ಟಮ್ ಏನು ಇಟ್ಟುಕೊಂಡಿದ್ದಾರೆ ಅದರಲ್ಲಿ ಕಂಟ್ರಾಕ್ಟ್‌ಗೆ ಪ್ರೊಪೆಕ್ಷನ್ ಕೊಡತಕ್ಕದ್ದು ನಡೆದುಕೊಂಡು ಬಂದಿರುತ್ತದೆ. ಅವನು ಏನು ಮಾಡಿದರು ಮಾಫಿ, ಕ್ಲೋರೆಲ್ ಹೈಡ್ರೇಟ್ ಹಾಕಿದರು ಸರಿಯೇ, ಅವರೇ ಸಾಯಿಸಿದರು ಇನ್ನೊಬ್ಬ ಕಳ್ಳಭಟ್ಟಿಯವರ ಮೇಲೆ ಹೇಳತಕ್ಕದ್ದು

ನಡೆಯುತ್ತದೆ. ಮಹಾರಾಷ್ಟ್ರದಲ್ಲಿ ಇತರೆ ಬೇರೆ ರಾಜ್ಯಗಳಲ್ಲಿ ಬೇರೆ ಕ್ರಮ ಇದೆ, ಈ ಪ್ರಮಾಣದಲ್ಲಿ ಕೊಂದರೆ ಇಲ್ಲ. ನಾನು ಮಾನ್ಯ ಮಂತ್ರಿಗಳ ಗಮನ ಸೆಳೆಯುವುದು ಇಷ್ಟೆ. ಇವೊತ್ತು ನಮ್ಮಲ್ಲಿ ಎಕ್ಸೈಜ್ ಪ್ಯಾಟರ್ನ್ ಇದೆ ಆ ಪ್ಯಾಟರ್ನ್ ಬಗ್ಗೆ ಹೊಸದಾಗಿ ಅಲೋಚನೆ ಮಾಡುವುದು ಅಗತ್ಯ ಇದೆ ಅದಕ್ಕೆ ನಾನು ಇನ್ನೊಂದು ಸಂದರ್ಭ ತೆಗೆದುಕೊಂಡು ಹೇಳುತ್ತೇನೆ. ಈ ಟರ್ಮಿನ್ಸ್ ಆಫ್ ರೆಫರೆನ್ಸ್‌ನಲ್ಲಿ ಏನು ಕಾನ್ಸಿಡರ್ ಪೂರೈಕೆನ್ ದಿಸ್ಪಿಬೂಷನ್ ಪ್ರೈಸ್ ಏನಿದೆ ಗರ್ವನ್‌ಮೆಂಟ್ ಅರೇಕ್ ಮತ್ತು ಸೇಂದಿ ಈ ಪ್ರೈಸ್ ಸ್ಕೃಕ್ ರೇಗೂ ಈ ಕಲ್ಯಾಣಿ ವ್ಯಾಪಾರದಲ್ಲಿ This has become money business. ಈ ತರಹ ಕಾಂಪಿಟೇಷನ್ ಶುರುವಾಗಿದೆ. ಈ ಆ್ಯಪ್‌ವೆಕ್ಟ್‌ಗೆ ಸರಿಯಾಗುವ ರೀತಿಯಲ್ಲಿ ಒಂದು ರೆಫರೆನ್ಸ್ ಸೇರಿಸಬೇಕೆಂದು ಒತ್ತಾಯ ಮಾಡುತ್ತೇನೆ.

ಶ್ರೀ ಆರ್. ಗುಂಡೂರಾವ್.—ಅಧ್ಯಕ್ಷರೇ, ಈಗಾಗಲೇ ಮಾನ್ಯ ಲಕ್ಷ್ಮಿಸಾಗರ್ ಅವರು ಮಾನ್ಯ ಬೊಮ್ಮಾಯಿ ಅವರು ಏನು ಹೇಳಿದ್ದಾರೆ ಅದರ ಬಗ್ಗೆ ಸರ್ಕಾರ ಅಲೋಚನೆ ಮಾಡಿ, ಇದು ಯಾವ ಕಾರಣಕ್ಕೋಸ್ಕರ ಆಯಿತು, ಹೇಗೆ ಆಯಿತು ಇದನ್ನು ಯಾವ ತರಹ ತಡೆಗಟ್ಟಲಿಕ್ಕೆ ಸಾಧ್ಯ ಅದಕ್ಕೆ ಎನ್‌ಕ್ವಯರಿಗೆ ಆರ್ಡರ್ ಮಾಡಿರುವುದು. ಅದರಲ್ಲಿ ಸಾಕಷ್ಟು ಸ್ಕ್ಯಾಪ್ ಇದೆ. I do not know how my hon'ble friend Mr. Lakshmisagar is thinking or doubting that there is no scope for that. Very clear scope is there. The terms of reference is very clear. "Any other matter relevant to." "Suppose in their enquiry, there is negligence of some people or some officer, the Commission is free to make decision or comment."

MR. SPEAKER.—"Any other matter relevant to or arising out of these terms of reference". That is one to seven.

ಶ್ರೀ ಆರ್. ಗುಂಡೂರಾವ್.—ಅದ್ದರಿಂದ, ಅದರ ಜೊತೆಗೆ ಏನಾಗಿದೆ ಎಂದರೆ, ಅದು ಈಗ ಕೆಲಸ ಮಾಡುತ್ತಿದೆ. ಬಹುಶಃ ಅದಷ್ಟು ಬೇಗ ವರದಿಯನ್ನು ಕೊಡುತ್ತದೆ. ಕ್ರಿಮಿನಲ್ ಪೊಸೀಡರ್ ಆ್ಯಕ್ಟ್ ಪ್ರಕಾರ Government has already taken action and several persons were arrested and the cases are pending in the court of Law. ಇವೊತ್ತು ಇಂತಾದ್ದು ಕಮಿಷನ್‌ಗೆ ಹೇಳುವುದು. The Commission may feel embarrassed because a High Court Judge is heading that Commission. ಈ ಎಲ್ಲ ಕಾರಣಗಳಿಂದ ನಾನು ಹೇಳುತ್ತಿದ್ದೇನೆ. ಯಾವುದೇ ರೀತಿಯಿಂದಲೂ ಕೂಡ ಇದನ್ನು ಮಂಜು ಬೇಕೆಂಬ ಇಚ್ಛೆ ಸರ್ಕಾರಕ್ಕಿಲ್ಲ. ಇಂಥ ಕಾರಣಗಳಿಂದ ನಿಲ್ಲಿಸಬಹುದಾಗಿತ್ತು. ಇಂಥ ಕಾರಣಗಳಿಂದ ತಡೆ ಹಿಡಿಯಬಹುದಾಗಿತ್ತು. ಇಂಥ ಕ್ರಮಗಳನ್ನು ತೆಗೆದುಕೊಂಡಿದ್ದರೆ ಇಂಥ ಅಪಘಾತಗಳು ಆಗುತ್ತಿರಲಿಲ್ಲ. ಎಂದು ಅನೇಕ ವಿಷಯಗಳನ್ನು ಅವರ ವರದಿಯಲ್ಲಿ ತಿಳಿಸುವುದಕ್ಕೆ ಅವಕಾಶವಿದೆ. ಮಾನ್ಯ ವಿರೋಧಪಕ್ಷದ ನಾಯಕರು ಮತ್ತು ಇತರೇ ಮಿತ್ರರು ಇಲ್ಲಿ ಏನೊಂದು ವಿಷಯವನ್ನು ಸಭೆಯಮುಂದೆ ತಂದಿದ್ದಾರೆ ಇದನ್ನು ನಾವು ಬಿಚ್ಚಿಕೊಳ್ಳುತ್ತೇವೆ. ಇದಕ್ಕೆ ಒಬ್ಬ ಹೈಕೋರ್ಟ್ ಜಡ್ ನ್ನು ನೇಮಕಮಾಡಿ ಎನ್‌ಕ್ವೈರಿ ಮಾಡಿ ಎಂದು ಹೇಳುವುದಕ್ಕೂ, ಅಥವಾ ಇಂಥವರ ಹೆಸರನ್ನು ಇದರಲ್ಲಿ ಸೇರಿಸಬೇಡಿ ಎಂದು ಹೇಳುವುದಕ್ಕೂ ಇದರಲ್ಲಿ ಅವಕಾಶವಿದೆ. ಅವರು ತಮ್ಮ ವರದಿಯಲ್ಲಿ ತಿಳಿಸುವುದಾದರೆ ತಿಳಿಸುತ್ತಾರೆ. ನಾನಾದರೂ ಸಭೆಗೆ ಆಶ್ಚರ್ಯನೆಯನ್ನು ಕೊಡುತ್ತೇನೆ, ಕಮಿಷನ್‌ರವರು ಇಂಥಂಥವರು ಇಂಥಂಥ ಕ್ರಮಗಳನ್ನು ಕೈಗೊಳ್ಳಬೇಕೆಂದು ಹೇಳುವುದಾದರೆ ಅದಕ್ಕೂ ಸರ್ಕಾರ ಸಿದ್ಧವಾಗಿದೆ.

ಮಾನ್ಯ ಸಭಾಧ್ಯಕ್ಷರೇ, ಈ ಸಂದರ್ಭದಲ್ಲಿ ಒಂದು ಮಾತನ್ನು ಮಾತ್ರ ಹೇಳುವುದಕ್ಕೆ ಇಷ್ಟಪಡುತ್ತೇನೆ. ಮಾನ್ಯ ಸದಸ್ಯರಾದ ಶ್ರೀ ಕೆ. ಹೆಚ್. ಶ್ರೀನಿವಾಸರವರು ಒಂದು ಮಹತ್ವದ ವಿಷಯವನ್ನು ಹೇಳಿದ್ದಾರೆ. ಅದೇನೆಂದರೆ ದೊಡ್ಡ ದೊಡ್ಡ ಎಕ್ಸೈಜ್ ಕಂಟ್ರಾಕ್ಟರ್‌ಗಳು ತಾವೇ ಸೇರಿಕೊಂಡು ಎಕ್ಸೈಜ್ ಕಂಟ್ರಾಕ್ಟನ್ನು ತೆಗೆದುಕೊಳ್ಳುತ್ತಾರೆ. ಸರ್ಕಾರಕ್ಕೆ ಹಣವನ್ನು ಕೊಡಲು ಅವರಿಗೆ ಮಾತ್ರ ಸಾಧ್ಯವಿರುತ್ತದೆ, ಸಣ್ಣ ಸಣ್ಣ ಕಂಟ್ರಾಕ್ಟರ್‌ಗಳಿಗೆ ಇದು ಸಾಧ್ಯವಿಲ್ಲ ಅದ್ದರಿಂದ ಈಗಿರತಕ್ಕ ಪದ್ಧತಿಯನ್ನು

ಬದಲಾಯಿಸಬೇಕೆಂದು ಹೇಳಿದ್ದಾರೆ. ಇದು ಬಹಳ ಉತ್ತಮ ಸಲಹೆ. ಆದರೆ ಇವತ್ತು ಏನಾಗಿದೆ ಎಂದರೆ ಸರ್ಕಾರದವರೇ ಈ ಸಾರಾಯಿಯನ್ನು ಸರಬರಾಜು ಮಾಡುತ್ತಿರುವುದರಿಂದ ಅವರು ಏನೂ ಮಾಡುವುದಕ್ಕೆ ಬರುವುದಿಲ್ಲ...

ಶ್ರೀ ಕೆ. ಹೆಚ್. ಶ್ರೀನಿವಾಸ್.—ರೀಟೀಲ್ ಷಾಪ್‌ಗಳೆಲ್ಲಾ ಅವರ ಕೈಯಲ್ಲೇ ಇವೆ.

ಶ್ರೀ ಆರ್. ಗುಂಡೂರಾವ್.—ದೊಡ್ಡ ದೊಡ್ಡ ಕಂಡ್ರಾಕ್ಟರ್‌ಗಳು ಇದನ್ನು ಮನಾಪಲಿ ಮಾಡಿ ಕೊಂಡಿದ್ದಾರೆ ಅದನ್ನು ಬದಲಾವಣೆ ಮಾಡಬೇಕೆಂದು ಏನು ಹೇಳಿದ್ದಾರೆ, ಅದನ್ನು ಯೋಚನೆ ಮಾಡೋಣ. ಈ ಹಿಂದೆ ಕೂಡ ಇದೇ ವಿಚಾರ ಇಲ್ಲಿ ಚರ್ಚೆಯಾಗಿ ಇದನ್ನು ತಾಲೂಕ್‌ವೈಸ್ ಮಾಡಬೇಕೆ ? ಜಿಲ್ಲಾವೈಸ್ ಮಾಡಬೇಕೇ ? ವಾದವಿವಾದಗಳು ನಡೆದುವು. ಇಲ್ಲಿ ಷಾಪ್‌ವೈಸ್ ಮಾಡಿದರೆ ಸಣ್ಣ ಸಣ್ಣ ಜನರೂ ಕೂಡ ಕಂಟ್ರಾಕ್ಟನ್ನು ತೆಗೆದುಕೊಳ್ಳುವುದಕ್ಕೆ ಅನುಕೂಲವಾಗುತ್ತದೆಂದು ಹೇಳಬಹುದು. ತಾವು ಯಾವುದೇ ಸಲಹೆಯನ್ನು ಕೊಟ್ಟರೂ ನಾವು ಪರಿಶೀಲಿಸಿ ನೋಡಬೇಕಾಗುತ್ತದೆ. ಮಾನ್ಯ ಸದಸ್ಯರು ಏನು ಸಲಹೆಯನ್ನು ಕೊಟ್ಟಿದ್ದಾರೆ ಇದು ಬಹಳ ಉತ್ತಮವಾಗಿದೆ, ಸಂತೋಷ. ನಾನಾದರೂ ತಮಗೆ ಹೇಳುವುದಿಷ್ಟೆ. ಈ ಬಾಬಿನಿಂದ ಸರ್ಕಾರಕ್ಕೆ ಹೇಗಾದರೂ ಹೆಚ್ಚಿಗೆ ಹಣ ಬಂದೇ ಬರುತ್ತದೆ. ಮನಾಪಲಿ ಮಾಡಿಕೊಂಡರೂ ಬರುತ್ತದೆ, ಮಾಡಿಕೊಳ್ಳದಿದ್ದರೂ ಬರುತ್ತದೆ ಹೇಗೆಂದರೆ, ಎಲ್ಲಿಯವರೆಗೆ ಜನರು ಸಾರಾಯಿ ಕುಡಿಯುವ ಆಭ್ಯಾಸ ಇಟ್ಟುಕೊಂಡಿರುತ್ತಾರೋ ಅಲ್ಲಿಯವರೆಗೂ ಬರುತ್ತಿರುತ್ತದೆ. ಜನರನ್ನು ಕುಡಿಯಬೇಡಿ ಎಂದು ಹೇಳುವುದಕ್ಕಾಗುವುದಿಲ್ಲ. ಏಕೆಂದರೆ, ಹಿಂದೆ ಈ ರಾಜ್ಯದಲ್ಲಿ ಮದ್ಯಪಾನ ಮಾಡಬಾರದೆಂದು ಕಾನೂನು ಮಾಡಿದ ಮೇಲೆ ಅದಂಥ ದುರಂತ ಘಟನೆಗಳನ್ನು ನಾವೆಲ್ಲರೂ ನೋಡಿದ್ದೇವೆ. ಹಿಂದಿನ ಸರ್ಕಾರದವರು ಈ ಮದ್ಯಪಾನ ನಿರೋಧವನ್ನು ಮಾಡುವುದಕ್ಕೆ ಸಾಧ್ಯವಿಲ್ಲ ಎಂಬುದನ್ನು ೧೯೬೨-೬೪ರಲ್ಲಿ ತಿಳಿದುಕೊಂಡು ಅದನ್ನು ಸ್ಥಿ ಬಿಟ್ಟರು. ಈಗ ಕಂಟ್ರಾಕ್ಟರ್‌ಗಳು ಮನಾಪಲಿ ಮಾಡಿಕೊಂಡಿರುವುದನ್ನು ತಪ್ಪಿಸಿ ಷಾಪ್‌ವೈಸ್ ಮಾಡಬೇಕೆಂದು ಮಾನ್ಯ ಸದಸ್ಯರು ಏನು ಸಲಹೆಯನ್ನು ಕೊಟ್ಟಿದ್ದಾರೆ ಅದನ್ನು ಪರಿಶೀಲಿಸಿ ಪ್ರಸಕ್ತ ಸಾಲಿನಲ್ಲಿ ಇಲ್ಲವೇ ಮುಂದಿನ ಸಾಲಿನಲ್ಲಿ ಜಾರಿಗೆ ತರಲು ನೋಡುತ್ತೇವೆ ಈ ಸ್ಟೇಜ್‌ನಲ್ಲಿ I do not think that there is any necessity to make any changes in the terms of references:

SRI A. LAKSHMISAGAR.—I do believe that the Hon'ble Chief Minister had not understood the point.

ಅಧ್ಯಕ್ಷರು.—ಇದನ್ನು ನಾವೇ ಮಾಡುವುದಕ್ಕಾಗುವುದಿಲ್ಲ. ಸ್ಟೆಪಿಕ್ ಆಗಿ ಇದು ಅಲ್ಲಿಂದ ಬಂದರೆ ನೋಡೋಣವೆಂದು ಹೇಳುತ್ತಿದ್ದಾರೆ.

SRI A. LAKSHMISAGAR.—The Commission as I know will not ask you to send the reference. It is inadequate. They will not ask. They will only do the job that is referred to them.

ಅಧ್ಯಕ್ಷರು.—ಕಮಿಷನ್ ಎನ್‌ಕ್ವೈರಿ ಮಾಡುವಾಗ ಡಿಫಿನಿಯನ್ ಕಂಡು ಬಂದರೆ ಇಂಥ ಕಾರಣದಿಂದ ಆಗುತ್ತದೆ ಎಂದು ಬರೆದು They will take note of it.

SRI A. LAKSHMISAGAR.—May, I may make a submission ? This has never happened. It cannot happen under the Commission of Inquiry Act. Therefore, my submission is that the Commission has been asked to look into the terms of reference specifically meant to it. Under Section 3 of the Commission of Inquiry Act there must be a reference and the reference must be definite and specific. This specific or definite reference is not there. Terms of reference are only to suggesting measures—administrative or otherwise or remedial measures. They do not belong to the causes for the tragedy and the persons behind it. If the Government does not want to see this

point, I am only sorry for it. It only means that the Government is not serious in getting at the truth of the matter, to destroy the under world, to catch hold of the persons who are responsible for it and the cause that led for the tragedy which took 336 lives in Bangalore and Mysore cities. Suppose they enlarge the terms of reference by adding these two specific terms, what holds them? We are confident that such a terms of reference would form the inalienable part of the terms of reference. It is not as if we have not made an effort to convince the Commission. At the time of the argument before actually the Commission began its work for days this matter was raised and discussed and we tried to convince the mind of the Commission about necessity of inclusion of these specific terms of reference. But, the Commission does not seem to agree with us, because there are precedents laid down by the Supreme Court. Therefore, my submission to the Government is...

SRI Y. RAMAKRISHNA.—The Commission is headed by no less a person than the High Court Judge.

SRI A. LAKSHMISAGAR.—He is a lawyer. I will tell him one thing. If you file a suit for possession of permanent injunction, you cannot ask for declaration unless your petition is amended, unless the suit is amended or unless the prayer in the suit is amended.

SRI Y. RAMAKRISHNA.—This is only in special circumstances that are available in the person. But, cases have been filed in the various courts.

SRI A. LAKSHMISAGAR.—Sir, this is the Commission of Inquiry under the Commission of Inquiry Act. It is a fact finding body. It does not prosecute anybody. It is only a fact finding body. The cases of prosecution pending before several criminal courts only indicate it. There are hundreds and thousands of people who have not been traced by the police and who have not been prosecuted. There are bigger fishes in the sea of under world who are operators on the human lives and the innocent people. You must get at them. Only small fishes have been caught. They have been summoned by the Police. There are bigger fishes. It is for catching such people and find out their complicity that you have got to add and enlarge the terms of reference.

3-00 P.M.

If you don't want to do it, my only inference is that, you don't want to touch them for more than one reason. Therefore, even now it is not too late. The Commission is going in a phased manner and its enquiry is half-way, if I may say so. The Commission cannot go

into the terms of reference which are not there. Therefore, in order to serve the interest of justice for which the Commission was set up, I once again plead with the Government that it does them honour and it does them good and it is one of the most constructive suggestions I am making, taking the clue from the Chief Minister's speech yesterday. If he doesn't want to see the reasonableness of my argument and if he still goes with a sence of obstriacy, I cannot help. My only inference is that you are unwilling to go into matters.

SRI Y. RAMAKRISHNA.—The intention of the Government has already been amply made clear by the Hon'ble Chief Minister taking into consideration the special circumstances of the case and also the nature of Commission that has been appointed.

MR. SPEAKER.—The preamble of the notification and the first and last item i.e. item No. 8. it is clear that to inquire into the cause of alcohol poisoning reported in Bangalore and Mysore cities resulting in death of 336 persons with the following terms, viz. "to consider the sufficiency or otherwise of the enforcement of measures which have been taken by the police, and any other matter relevant for this purpose or arising out of this terms of reference." Is it not quite comprehensive?

SRI S.R. BOMMAI.—The Hon'ble Speaker is also a lawyer. This argument was advanced before the Commission. In our view the Commission has got powers.

MR. SPEAKER.—The Chief Minister has said, if there is any other point we will refer that.....

SRI S.R. BOMMAI.—One thing I want to make it clear. The intention of the Government and the Chief Minister is very clear that the cause of the tragedy and persons responsible for it must be investigated. That is why we asked for a judicial probe and not for a departmental inquiry. Because persons involved are also Government officers, it may not be a fair inquiry under such extra-ordinary circumstances. That is why a Judicial Commission is appointed. and the Government was good enough in doing so. In fact, the Chief Minister made a voluntary statement that in view of the tragedy it must be thoroughly investigated and culprits must be brought to book. Even today I accept it. But that intention must find a place in the terms of reference. We advanced arguments on these lines as the Hon'ble Speaker logically stated. But the Commission expressed its view that the terms of reference are strict and it cannot go into the causes and fix responsibility. When the Commission has expressed this view, on that basis we are making an appeal to the Government. Otherwise the very purpose of the judicial probe spending so much

money, will be defeated. To service the right purpose the Government must consider enlarging the scope of the inquiry. Normally the Commission will not come and ask for that.

SRI R. GUNDU RAO.—I am not telling that the Commission will ask me. I am just telling that the Government intention is very very clear. The moment the Government have accepted for a judicial probe by no less a person than a High Court Judge, it shows the Government's intention that there is no hide and seek in this matter. Scope is there and the Commission is free and the Presiding Officer is free to give the verdict and if any findings are there, the Government will definitely take action. We are not hesitating. The intention of the Government is very clear about this.

SRI S.R. BOMMAI.—Let the Government Pleader, who is appearing before the Commission, explain the stand of the Government as explained by the Chief Minister, so that the Commission can go into this matter. Let him make a statement that this is the intention of the Government, then this will be solved.

PRESENTATION OF REPORTS

Fifteenth Report of the Committee on Public undertakings

SRI V. MASIVAPPA.—Sir, I beg to present the Fifteenth Report of the Committee on Public Undertakings on the working of NGEF Ltd., Bangalore.

MR. SPEAKER.—The Report is presented.

Ninth and Tenth Reports of the PAC

SRI S.R. BOMMAI.—Sir, I beg to present:

- (i) The Ninth Report of the Committee on Public Accounts on Excess over Grants in Appropriation Accounts for the years 1975-76, 1976-77, 1977-78 and 1978-79;
- (ii) The Tenth Report of the Committee on Public Accounts and the allotment and distribution of Cement.

MR. SPEAKER.—The Reports are presented.